

## **FINDING OF EMERGENCY**

The Superintendent of Public Instruction (Superintendent) finds that an emergency exists, and that the emergency regulations adopted are necessary for the immediate preservation of the public peace, health and safety, or general welfare.

## **SPECIFIC FACTS SHOWING THE NEED FOR IMMEDIATE ACTION**

The 2003-2004 Budget Act directs the California Department of Education to promulgate emergency regulations governing the use of the Regional Market Rate (RMR) to provide consistency statewide, as well as clarify the appropriate rate of reimbursement for child care services. As required by the Budget Act, the proposed emergency regulations change the definitions of certain rate categories and provide conditions and limitations on the use of certain rates and adjustment factors.

Education Code, Chapter 2 (the “Child Care and Development Services Act”), Article 11, Section 8269, authorizes the Superintendent to adopt rules, regulations, and guidelines to facilitate the funding and reimbursement procedures required by Chapter 2. This Section authorizes the Superintendent to comply with requirements of the 2003-2004 Budget Act.

The proposed regulations apply to all programs utilizing the RMR for provider reimbursement, and provide clear, consistent definitions, conditions, and limitations on the use of certain rates, rate categories, and adjustment factors as required by the 2003-2004 Budget Bill.

Because of the urgency assigned to these regulations by the State Legislature and the Governor, as well as possible savings to the State to be achieved through application of revised, streamlined RMR rate categories, it is essential that the proposed regulations be adopted as soon as possible.

### **Authority and Reference**

Authority: Sections 8222, 8261, 8263, 8265, 8265.5, and 8269, Education Code.

Reference: Sections 8208(e), (1), (x); 8220, 8222, 8263, 8265, 8266.5, 8269, 8354, 8357, and 8461, Education Code.

### **Informative Digest**

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#### **Mandate on Local Agencies or School District**

The Superintendent has determined that the proposed emergency regulations do not impose a mandate on local agencies or school districts.

#### **Cost Estimate**

The Superintendent has determined that actions required by the proposed emergency regulations are attributable to the state statute and therefore the regulations do not impose a cost.